

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN DOE I et al.,

Plaintiffs,

v.

THOMAS W. WOLF et al.,

Defendants.

CIVIL ACTION
NO. 16-6039

ORDER

AND NOW, this 23rd day of August 2017, upon consideration of the Complaint (Doc. No. 1), Defendants' Motion to Dismiss the Complaint (Doc. No. 13), Plaintiffs' Response in Opposition (Doc. No. 14), Defendants' Reply (Doc. No. 15), Plaintiffs' Sur-Reply (Doc. No. 18), the statements of counsel at the hearing held on May 17, 2017, and in accordance with the Opinion issued this day, it is **ORDERED** as follows:

1. The Motion to Dismiss (Doc. No. 13) is **GRANTED IN PART** and **DENIED IN PART**.

Defendants Governor Thomas W. Wolf, Attorney General Josh Shapiro¹, and the Pennsylvania State Police are **DISMISSED AS DEFENDANTS**. The Motion to Dismiss (Doc. No. 13) in regard to Defendant Colonel Tyree V. Blocker is **DENIED**. Defendant Colonel Blocker shall remain as a defendant in the case.

¹ The Complaint initially named Bruce R. Beemer as a defendant in his official capacity as Attorney General. (Doc. No. 1 at ¶ 18.) On January 17, 2017, Josh Shapiro replaced Bruce R. Beemer as the Pennsylvania Attorney General. Pursuant to Federal Rule of Civil Procedure 25(d), when a public officer is a party to a suit in their official capacity and the officer ceases to hold office while the action is pending, the officer's successor is substituted as a party. Fed. R. Civ. P. 25(d). Therefore, Josh Shapiro, in his official capacity as Attorney General, is substituted as a defendant in this matter.

2. Defendant Colonel Tyree Blocker is **ORDERED** to file an Answer to the Complaint within twenty-one (21) days from the entry of this Order.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.